

GERSHBURG

Attorneys at Law > GETTING IT DONE

*Daniel Gershburg, Esq.

*Danielle Spallino, Esq.

Admitted in NY and NJ

December 19, 2011

Via ECF filing:

Hon. Joel B. Rosenthal
U.S. Bankruptcy Court, EDNY
Conrad B. Duberstein Courthouse
271 Cadman Plaza East - Suite 1595
Brooklyn, NY 11201-1800

Re:	Van Rental Co., Inc.	1-11-42391
	<u>Image Rent A Car, Inc.</u>	<u>1-11-42390</u>

Dear Hon. Rosenthal:

Please be advised that this office represents Digby Adler Group, LLC., d/b/a Bandago as a creditor in the above-referenced related actions. I am writing to request a conference in an effort to resolve an ongoing discovery dispute.

On September 21, 2011, your Honor signed an Order directing Shneior Zilberman, a representative of Image Rent A Car, Inc., to produce documentary evidence on a date certain, and to appear for examination pursuant to Rule 2004 on September 22, 2011 at 2:00 p.m. Identical Orders were signed for each action.

The 2004 examination began on November 29th 2011, but was not completed on that date. During the November 29th, 2011 meeting, Debtors' counsel, Joseph Balisok represented that he would be available for the second part of the deposition on the following week, due to his schedule. We had no issue with same. By email dated November 30, 2011, we sought to schedule the remaining portion of the 2004 examination of Image Rent A Car, Inc., with counsel for December 12th, 2011. More than a week had passed without Debtors counsel responding. On December 7, we sent another email to counsel listing five (5) additional dates, beyond the December 12th date, to complete the 2004 examination. Mr. Balisok responded by indicating the he would not be available to complete the 2004 examination on any date prior to January 30, 2012, over two (2) months after the examination began. Counsel explains his almost two month unavailability by stating in an email that after a trip to Israel, his "...schedule will be predictably impossible to manage upon my return."

The Court should note that only three (3) hours of the examination remain to be completed for Image Rent a Car, Inc., which demonstrates the extent to which the Debtors

and their attorney continue to be uncooperative. The Court should also note that numerous documents that were called for in the signed Order are still outstanding, and despite our attempts, Debtor has been unwilling to explain why they have not been produced or if they are in his possession.

Due to the nature of this discovery issue, we request that a conference be held as soon as possible. If we are unable to resolve this matter during the conference, we request authority to prepare a motion compelling the 2004 examination.

Best Regards,

DANIEL GERSHBURG ESQ., P.C.

/S/
By: Daniel Gershburg, Esq.

Cc: Via Email to joseph@lawbalisok.com:
Joseph Y. Balisok, Esq.
Law Office of Joseph Y. Balisok, LL.M., P.C.
Attorney for Debtors
Van Rental Co., Inc. and Image Rent A Car, Inc.
1650 Eastern Parkway, Suite 303
Brooklyn, NY 11233
(718) 928-9607

Via Email to Jordan Pilevsky JP@lhmlawfirm.com
Jordan Pilevsky, Esq.
Lamonica, Herbst and Maniscalco LLP
3305 Jerusalem Avenue
Wantagh, New York 11793
(516)-826-6500